

§ 551.71

an inmate if the inmate consents to the testing.

§ 551.71 Procedures.

(a) The Warden may permit polygraph tests in connection with a State or Federal criminal felony investigation.

(b) The Warden may permit polygraph tests in connection with misdemeanor offenses, civil proceedings, or any other matters. This type of request, however, is generally disapproved, absent a federal court order for the test.

(c) The Warden may permit a polygraph test at the request of a defense counsel or other representative of the inmate. These requests are subject to the same standards and procedures applicable to testing by law enforcement officials.

(d) The Warden may deny any request for testing which may disrupt the security or good order of the institution.

(e) Upon written request to conduct a polygraph examination of an inmate, the Warden may approve the request if:

(1) The validity of the request and of the examining agency can be confirmed;

(2) The request complies with this section; and

(3) The inmate gives written consent to the testing.

(f) If the request is approved, the Warden shall notify the requestor that he is responsible for meeting all state and local requirements in administering the test.

(g) The Bureau of Prisons maintains a record in the inmate's central file of the polygraph test indicating the inmate's consent and the time and place of and the personnel involved in the testing.

Subpart H—Inmate Manuscripts

§ 551.80 Definition.

As used in this rule, *manuscript* means fiction, nonfiction, poetry, music and lyrics, drawings and cartoons, and other writings of a similar nature.

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§ 551.81 Manuscript preparation.

An inmate may prepare a manuscript for private use or for publication while in custody without staff approval. The inmate may use only non-work time to prepare a manuscript.

§ 551.82 Mailing inmate manuscripts.

An inmate may mail a manuscript as general correspondence, in accordance with part 540, subpart B of this chapter. An inmate may not circulate his manuscript within the institution.

§ 551.83 Limitations on an inmate's accumulation of manuscript material.

The Warden may limit, for house-keeping, fire-prevention, or security reasons, the amount of accumulated inmate manuscript material.

Subpart I—Non-Discrimination Toward Inmates

§ 551.90 Policy.

Inmates may not be discriminated against on the basis of race, religion, nationality, sex, disability, or political belief. Each Warden shall ensure that administrative decisions and work, housing, and program assignments are non-discriminatory.

[45 FR 23366, Apr. 4, 1980, as amended at 59 FR 16406, Apr. 6, 1994]

Subpart J—Pretrial Inmates

SOURCE: 59 FR 60285, Nov. 22, 1994, unless otherwise noted.

§ 551.100 Purpose and scope.

In addition to convicted inmates, the Bureau of Prisons houses persons who have not been convicted. Procedures and practices required for the care, custody, and control of such inmates may differ from those established for convicted inmates. Pretrial inmates will be separated, to the extent practicable, from convicted inmates. Except as specified by this rule, policies and standards applicable to persons committed to the custody of the Attorney General or the Bureau of Prisons apply also to pretrial inmates as defined in § 551.101.

§ 551.101 Definitions.

(a) *Pretrial inmate.* For purpose of this rule, “pretrial inmate” means a person who is legally detained but for whom the Bureau of Prisons has not received notification of conviction. Thus, “pretrial inmate” ordinarily includes a person awaiting trial, being tried, or awaiting a verdict.

(1) *Civil contempt, deportable aliens, or material witnesses.* For purpose of this rule, an inmate committed for civil contempt, or as a deportable alien, or as a material witness is considered a pretrial inmate.

(2) *Mental evaluation or treatment.* An inmate committed under Title 18 U.S.C. Sections 4241 (b) and (d), 4242(a), or 4243(b) is considered to be a pretrial inmate, whereas commitments under Sections 4243(e), 4244, 4245 or 4246 are treated as convicted inmates.

(3) *Concurrent federal and state sentences.* For purpose of this rule, an inmate in a status described in paragraph (a) introductory text, (a)(1), or (a)(2) of this section and who is at the same time serving a state or federal sentence is not considered a pretrial inmate.

(b) *Convicted inmate.* For purposes of this rule, an individual a court has found guilty of an offense punishable by law.

§ 551.102 Commitment prior to arraignment.

On receipt of a U.S. Marshal remand, the Bureau of Prisons shall accept an individual who has not been arraigned for commitment as a pretrial inmate, provided that the institution has appropriate detention facilities available for that individual.

§ 551.103 Procedure for admission.

Staff in administrative institutions or institutions with administrative components housing U.S. Marshals’ prisoners shall establish procedures for admitting a pretrial inmate which include, but are not limited to:

- (a) Verification of commitment papers;
- (b) Search of the inmate;
- (c) Photographing and fingerprinting;
- (d) Disposition of clothing and personal possessions;
- (e) Intake screening (including Notice of Separation);

(f) Providing institution guidelines governing telephone calls (including procedures for making unmonitored calls to an attorney);

(g) Provisions for personal hygiene, to include:

- (1) Issue of personal hygiene items;
- (2) Issue of clean clothing; and
- (3) Opportunity for shower and hair care;
- (h) Orientation;
- (i) Opportunity for waiver of right not to work;
- (j) Assignment to an appropriate housing unit.

§ 551.104 Housing.

To the extent practicable, pretrial inmates will be housed separately from convicted inmates.

§ 551.105 Custody.

(a) Staff ordinarily will supervise a pretrial inmate as if classified “In” custody.

(b) Where circumstances warrant, staff may supervise a pretrial inmate according to procedures for other custody levels.

§ 551.106 Institutional employment.

Unless a pretrial inmate signs a waiver of his or her right not to work, the Warden may not require the inmate to work in any assignment other than housekeeping tasks in the inmate’s own cell and in the community living area.

§ 551.107 Pretrial inmate reviews.

Staff shall conduct regular reviews of a pretrial inmate’s status.

(a) Each pretrial inmate shall be scheduled for an initial review by the unit team within 21 calendar days of the inmate’s first arrival at the institution, and subsequent reviews shall be conducted at least every 90 days.

(b) The inmate shall be notified at least 48 hours prior to the inmate’s scheduled review.

(c) A pretrial inmate is expected to attend these reviews. If the inmate refuses to appear, staff shall document in the record of the meeting the inmate’s refusal and, if known, the reason for refusal.